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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Kimmo NARKILAHTI

Serial No.: 10/018,502

Filed: October 30, 2001

For: Method and System for Determining of Operating Models of Users of a Telecommunication System

Examiner: Rampuria, Sharad K.
Group Art: 2688

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November 10, 2006
Date of Signature

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Commissioner for Patents
P.O. Box 1450
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

SIR:

Applicant requests review of the Final Rejection in the above-referenced application. No amendments are being filed with this request.

The review is requested for the reasons set forth on the following pages.

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In the June 12, 2006 Office Action, independent claims 1 and 13, and dependent claims 2-12 and 14-18 were rejected under 35 U.S.C. §103(a) as unpatentable over GB 2327175 ("*Knight*") in view of U.S. Patent No. 6,127,261 ("*Amin*"). No new matter has been added. Reconsideration of the application is respectfully requested.

The Examiner acknowledges that *Knight* differs from the claimed invention in that *Knight* fails to teach or suggest "users of the telecommunication system are classified on the basis of the filtered user-specific information into various classes indicative of a user's behaviour patterns during use of the telecommunication system," as recited in independent method claim 1. *Amin* has now been cited by the Examiner to cure the deficiency of *Knight*. *Amin* relates to a method for assigning wireless communication network resources to wireless communication devices based on the type of device and the type of service required such that resources are used more efficiently, and the wireless communication network can more readily support a large variety of devices (see col. 2, lines 52-59). However, *Amin* fails to cure the deficiency of *Knight*.

The Examiner's has equated the claimed "*user-specific information (43) ... filtered from the information collected from the telecommunication system*" to the profile information, as taught in *Amin*. However, this approach fails to appreciate that the "profile" taught in *Amin* is a permanent information record that fails to reflect user behaviour. Rather, the profile taught in *Amin* provides an indication of device capabilities and subscription characteristics.

Amin teaches that the profile includes, for example, the following information: a device address field, such as a mobile identification number (MIN) (see col. 4, lines 37-40), an electronic serial number (ESN) field for storing the device's unique ESN (see col. 4, lines 40-42), the location of the wireless communication device (see col. 4, lines 42-44), the type of the device (e.g., voice, data, video) (see col. 4, lines 44-45), a device characteristics field (e.g., receive only, transmit only or transmit/receive) (see col. 4, lines 45-46), an SCM field and billing information (see col. 4, lines 44-46).

Amin (col. 4, lines 49-61) describes the properties of the device characteristics field. *Amin* (col. 4, line 62 thru col. 5, line 6) describes the properties of the SCM field. *Amin* (col. 5, lines 6-7) further teaches that a TCM field and the SCM field together determine the size of the profile. *Amin* (col. 5, lines 7-9) teaches that alternative embodiments provide for the combination of the TCM field and the SCM field into one field.

Pursuant to describing the device characteristic field, *Amin* (col. 4, line 54) teaches that the device characteristic field represents one of a plurality of predetermined sets of capabilities for a type of device as specified in the TCM field, such as a maximum size message. *Amin* (col. 4, line 64 thru col. 5, line 5) specifically teaches that the SCM field may specify whether the communication service is circuit switched, and at what data rate; whether the service is packet switched, and at what Internet protocol (IP) address; the type of voice quality, such as full rate voice, basic rate voice or high quality rate voice; the type of service quality, such as a bit error rate; or whether the service type is wireless multimedia.

In all of the above, however, nowhere is there anything to teach or suggest updating of the user's profile is performed. In particular, *Amin* fails teach or suggest collecting information from the network, filtering user-specific information from such collected information or classifying users into classes indicative of users' behaviour patterns during use of the telecommunication system. That is, *Amin* fails to teach or suggest that "users of the telecommunication system are classified on the basis of the filtered user-specific information into various classes indicative of a user's behaviour patterns during use of the telecommunication system," as recited in independent method claim 1.

What *Amin* teaches is that if a user has bought a pager and has subscribed to a paging service with certain characteristics, the characteristics of his pager and his paging system subscription are permanently stored into his profile. Even assuming *arguendo* that any updating of this profile is performed, such an update is most likely to take place pursuant to a user proceeding to the customer service counter of his operator and asking for his profile to be changed, after which the person, i.e., the operator, "keys" in (i.e., enters) the requested changes. In such a scenario, the changes would pass thru an update interface to a profile server where they would be stored. However, modification of the user profile, in this manner, clearly has nothing to do with something that the user himself did or did not do while using the telecommunications system. In view of the foregoing, independent method claim 1 is patentable over the combination of *Knight* and *Amin* and thus, reconsideration and withdrawal of the rejection under 35 U.S.C. §103 are requested, and a notice to that effect is earnestly solicited.

Independent claims 13, 19 and 25 are the system claim, a telecommunication system claim and a computer software claim associated with the implementation of independent method claim 1. Accordingly, independent system claim 13, telecommunication system claim 19 and computer

software claim 25 are patentable over the combination of *Knight* and *Amin* for the reasons discussed above with respect to independent method claim 1.

In view of the patentability of independent claims 1, 13, 19 and 25 for the reasons set forth above, dependent claims 2-12, 14-18 and 20-24 are all patentable over the prior art.

Applicant respectfully submits that this application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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